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*Counsel for Defendants Alfresco Software Ltd.,
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OPEN TEXT S.A.,

Plaintiff,

V.

ALFRESCO SOFTWARE LTD.,
ALFRESCO SOFTWARE, INC. AND
CARAHSOFT TECHNOLOGY
CORPORATION.

Defendants.

Civil Action No. 13-CV-04843 JD

STATEMENT OF RECENT DECISION

Hon. Judge James Donato

1 Pursuant to Local Rule 7-3(d)(2), Defendants Alfresco Software Ltd., Alfresco Software,
2 Inc., and Carahsoft Technology Corp. (collectively “Defendants”), by counsel, provide notice of
3 recent authority relevant to the Defendants’ pending Motion to Dismiss Plaintiff’s First and
4 Second Causes of Action for Failure to State a Claim (Dkt. No. 35) (“Motion to Dismiss”).

5 On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the
6 United States Court of Appeals for the Federal Circuit issued an opinion in the case of *buySAFE*,
7 *Inc. v. Google, Inc.*, No. 2013-1575, -- F.3d --, 2014 WL 4337771 (Fed. Cir. Sept. 3, 2014) (a
8 copy of which is attached as **Exhibit 1**). The *buySAFE* opinion addresses 35 U.S.C. § 101—a
9 subject addressed in connection with Defendant’s Motion to Dismiss (see Dkt. Nos. 35, 36, 43,
10 57)—and affirms the district court’s grant of the defendant’s motion for judgment on the pleadings
11 under Rule 12(c) of the Federal Rules of Civil Procedure, holding that the asserted claims fall
12 outside § 101.

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14 Dated: September 4, 2014

Respectfully submitted,

15 KILPATRICK TOWNSEND & STOCKTON

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17 By: /s/ Byron R. Chin

18 A. JAMES ISBESTER
BYRON R. CHIN

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